




# COCHISE COUNTY COMMUNITY DEVELOPMENT

*"Public Programs...Personal Service"*

## MEMORANDUM

TO: Board of Supervisors  
Through: Michael Ortega, County Administrator

FROM: Michael Turisk, Planning Manager   
For: Karen Riggs, Interim Community Development Director

SUBJECT: Docket Z-12-06 (Seitz/Hutson)

DATE: September 13, 2012 for the September 25, 2012 Meeting

### APPLICATION FOR A REZONING

The Applicant seeks to rezone three contiguous parcels in Sunsites from RU-4 (Rural; minimum lot size 4 acres) to LI (Light Industrial). The three subject parcels (Nos. 118-05-054; -055; -056) are 12 acres in total and located at the southwest corner of State Highway 191 and Birch Rd. The Applicant, Alan Seitz of Cochise, AZ (Vincent Hutson of Cochise, AZ, Agent for Applicant) intends to use an existing 16,000 sq.-ft. building to store and sell agricultural-related products.

### I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Parcel size: 12 acres on three parcels  
Current Zoning: RU-4 (Rural; minimum lot size 4 acres)  
Proposed Zoning: LI (Light Industry)  
Existing Growth Area: Category D  
Existing Plan Designation: Light Industry, per the *Mid-Sulphur Springs Valley Area Plan*  
Total Rezoning: Approximately 12 acres on three parcels  
Existing development: 16,000 sq.-ft. metal building on Parcel 118-05-054  
Proposed uses: Storage and sale of agricultural products

#### Surrounding Zoning & Land Use

| Relation to Subject Parcel | Zoning District | Use of Property                 |
|----------------------------|-----------------|---------------------------------|
| North                      | RU-4            | N. Beck Dr.; vacant             |
| South                      | RU-4            | low-density residential; vacant |
| East                       | RU-4            | State Hwy 191; agricultural     |
| West                       | RU-4            | low-density residential         |

## **II. PARCEL HISTORY**

2008 – Land clearing, septic and building permits (for 16,000 sq.-ft. structure) for Parcel -056.



16,000 sq.-ft. metal building

## **III. NATURE OF REQUEST**

The Applicant seeks to rezone three contiguous parcels located at the southwest corner of State Highway 191 and Birch Rd. in the Sunsites area from RU-4 to Light Industry. An existing 16,000 sq.-ft. metal building sited on Parcel -054 would be used for the storage and sale of agricultural products. The submitted concept plan shows a future homesite on this parcel and a workshop on an adjacent parcel.

## **IV. ANALYSIS OF IMPACTS – COMPLIANCE WITH REZONING CRITERIA**

The Zoning Regulations list 14 factors in evaluating rezoning requests. This request complies with eight factors, complies (with modification) with one factor and does not comply with one factor, thereby creating a presumption in favor of approval. Four factors are not applicable to this rezoning request.

### **1. Land Use/Concept Plan: Complies**

The application was accompanied by a land use/concept plan showing the three subject parcels, the existing structure, various setbacks and area roadways.



The submitted concept plan is considered sufficient for the purposes of rezoning review. As is required for all rezoning requests, site plans showing sufficient detail would be required as part of any commercial permit application submittal.

## **2. Compliance with Applicable Site Development Standards: Complies with Modification**

At 12 acres in total, the site should be capable of complying with the applicable site development standards for uses in the Light Industry districts. However, the Zoning Regulations indicate that for those LI zoning districts which abut Rural zoning, the minimum setback shall be 80 feet (and 20 feet from any road travelway). Therefore, if rezoned, the Board would have to modify the minimum required setback of 80-ft. along the south and west property lines in order for the Applicant to maintain the location of the 16,000 sq.-ft. structure. If approved, all new construction, however, must comply with all applicable site development standards for the LI Districts.

## **3. Adjacent Districts Remain Capable of Development: Complies**

Rezoning would not result in the reduction of adjoining zoning districts to a size or shape incapable of reasonable development for typical uses within that district, and thus would not adversely affect the development of adjacent properties.

## **4. Limitation on Creation of Non-conforming Uses: Not Applicable**

## **5. Compatibility of Existing Development: Complies**

The subject parcels lie within the bounds of the *Mid-Sulphur Springs Valley Area Plan* and within an area on the Plan Map designated as appropriate for light industrial uses. Policies in the Plan regarding the location of LI in the Plan area intend:

- *To support the local economy, protect residential areas, safeguard the environment, and to assist developers in selecting appropriate locations for Industrial land uses as depicted on the Mid-Sulphur Springs Valley Community Development Map; and*
- *To preserve the integrity of the established Sunsites Townsite by supporting the location of industrial uses into safe and suitable areas as depicted on the Mid-Sulphur Springs Valley Community Development Map.*

Also, per the Plan, it is generally appropriate to site Light Industry in proximity to the townsite for the following reasons:

- *Light Industry uses generally have a lower impact than Heavy Industry uses; and*
- *Light Industry zones may accommodate businesses frequented by the public.*

Furthermore, per Section 1301 of the Zoning Regulations, one purpose of the LI Districts reads:

- *“To encourage manufacturing uses which can be operated in a relatively clean, quiet and safe manner, without producing objectionable effects that would impose hazards to adjacent and nearby properties...”*

In light of the subject properties' adjacency to a State Highway, and the proliferation of ag-related uses and rural homesites in the surrounding area, the proposed ag-related commercial activities would be in keeping with local land use character and would not endanger the quality-of-life for neighboring residents. However, commercial ag-related uses might generate traffic impacts that would require off-site improvements to Birch Rd. and/or State Highway 191. Mitigation would be determined at the time of commercial permit submittal and would depend on the nature and scope of the use (*see Factor 8 below*).

#### **6. Rezoning to More Intense Districts: Complies**

Although the surrounding area is largely zoned RU-4, Light Industrial zoning exists less than a mile southeast along State Highway 191. As noted above, the *Mid-Sulphur Springs Valley Area Plan* map indicates that the subject parcels are within an area designated as appropriate for Light Industry, due in part to their proximity to State Highway 191. Again, the ag-related commercial activities proposed as part of this rezoning request would be in keeping with existing rural character.

#### **7. Adequate Services and Infrastructure: Complies**

Power and phone services are available. On-site wells would provide water and septic systems would treat waste. The Pearce-Sunsite Fire District provides emergency services to this area.

#### **8. Traffic Circulation/Adequate Road Infrastructure: Complies**

The subject parcels take access from a roadway that is adequately designed and constructed to handle existing traffic volumes. However, per the County's Transportation Planner, the apron to the site is deteriorated and the pavement at this intersection is degraded due to turning movements onto both legs of Birch Rd. Rezoning requests, in and of themselves, do not alter traffic patterns; however, they may open the door for future transportation impacts, so the Applicant is put on notice that future improvements to Birch Rd. and/or State Highway 191 may be warranted depending on the nature and scale of future commercial uses. At the time of commercial permit submittal, for example, the Applicant may be required to provide additional information about access, surface treatments, the estimated number of customers and employees, delivery trucks and the type(s) of agricultural items intended for sale (which in turn may determine the types of vehicles visiting the site). If the proposed use is small-scaled as is currently proposed, and intended to primarily serve area residents, trip generation would be absorbed into existing traffic patterns and mitigation would be unwarranted. This portion of Birch Rd. essentially functions as a private road, and maintenance is the responsibility of the various users of the roadway. Therefore, if approved, the Applicant would be required to provide a Private Maintenance Agreement at the time of commercial permit submittal.





Northward from corner of Birch Rd. and State Highway 191. “Beck’s Show Pigs & Feed” sign to the right.

#### **9. Development Along Major Streets: Complies**

The proposed use would not require any additional access points.

#### **10. Infill: Not Applicable**

The subject parcels are not located in an area designated by the Comprehensive Plan as Enterprise or Enterprise Redevelopment. [The Zoning Regulations encourage infill development in areas designated Enterprise or Enterprise Redevelopment to ensure that adequate infrastructure is in place and that there is precedent for commercial uses in the area].

#### **11. Unique Topographic Features: Not Applicable**

The site does not present any challenges from steep terrain and/or significant washes.

#### **12. Water Conservation: Does Not Comply**

The Applicant has not indicated what water conservation measures would be incorporated into any new development. However, the proposed ag-related sales and storage would likely not require large volumes of water. All commercial uses must comply with the applicable County-wide water conservation measures as described in Section 1820 of the Zoning Regulations.

### **13. Public Input: Complies**

The Applicant completed the Citizen Review process by mailing letters to 30 neighboring property owners within 1,500 feet. The Applicant did not receive any response. The property was posted on August 21, 2012 and legal notice published in the *Bisbee Observer*. Official notice from the Department was mailed on August 2, 2012. To date, the Department has received one letter in support of and one letter in opposition to this rezoning request (See Attachment E – Public Comment).

### **14. Hazardous Materials: Not applicable**

Per the Applicant, no hazardous materials would be used/and or stored on the site at this time.

## **V. VOTE OF THE PLANNING AND ZONING COMMISSION ON SEPTEMBER 12**

Mr. Vince Hutson, Agent, indicated that the Applicant owns a nearby farm and wishes to use the existing building for agricultural-related storage, seed sales, and “wants to have everything in place should he decide to sell the property.” Commissioner Bemis asked Mr. Hutson if any hazardous materials would be stored and/or used; he responded by saying that there likely would be pesticides and herbicides stored and sold on site. Chairman Lynch pointed out, however, that the submitted rezoning application indicated that no hazardous materials would be used. Mr. Turisk mentioned that hazardous material storage would be addressed at the time of commercial permit submittal, and that a Hazardous Materials Safety Data Sheet providing detailed information about any hazardous materials would be required at that time. Chairman Lynch opened the meeting for public comment; nobody spoke on the matter, however. Chairman Lynch called for a motion; Commissioner Martzke made a motion to recommend approval to the Board of Supervisors. Commissioner Edie seconded. The vote was unanimous (7-0) to forward a recommendation of approval to the Board.

## **VI. SUMMARY**

The Applicant has requested rezoning three contiguous parcels totaling 12 acres in the Sunsites area from RU-4 to LI for the purposes of storing and selling agricultural products in an existing 16,000 sq.-ft. building. The request complies with the policies set forth in the *Mid-Sulphur Springs Valley Area Plan* with respect to appropriate locating of LI zoning and activities. There is concern, however, that rezoning and associated commercial uses would spur a significant increase in commercial traffic. If, however, future commercial uses are limited in scale as proposed, additional traffic generated would be minimal and therefore would not require major roadway improvements or mitigation. Any potential impacts and possible mitigation measures would be addressed at the time of commercial permit submittal.

### **Factors in Favor**

1. The ag-related uses proposed would serve area farms and ranches;
2. Rezoning to LI will not result in the inability of neighboring parcels to develop;

3. The proposed ag-related commercial uses are in keeping with the agricultural and rural character of the area;
4. The site abuts heavily traveled State Highway 191, an area appropriate for commercial zoning, and limited access can be managed;
5. To date, the Department has received one letter in support of the rezoning request; and
6. The *Mid-Sulphur Springs Valley Area Plan* designates the subject area as appropriate for Light Industry.

### **Factors Against**

1. Rezoning to LI would not provide what would be considered a smooth transition from adjacent RU-4 properties;
2. The County's Highway Department has suggested that future commercial uses might require improvements to Birch Rd. and State Highway 191; and
3. To date, the Department has received one letter of opposition to the rezoning request.

### **VII. RECOMMENDATION**

Based on the Factors in Favor, *staff recommends approval of this rezoning request* with the following standard Condition:

1. The Applicant shall provide the County with a signed *Acceptance of Conditions* and a *Waiver of Claims* form arising from ARS Section 12-1134 signed by the property owner of the subject property within thirty (30) days of Board of Supervisors' approval of the Rezoning or the approval of the Rezoning may be deemed void.

### **VIII. ATTACHMENTS**

- A. Rezoning Application
- B. Concept/Site Plans
- C. Vicinity Map
- D. Staff Comment
- E. Citizen Review Letter and Public Comment